

# NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

## NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

### TITLE 3. AGRICULTURE

#### CHAPTER 4. DEPARTMENT OF AGRICULTURE - PLANT SERVICES DIVISION

#### PREAMBLE

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 6 A.A.R. 3150, August 25, 2000

Notice of Supplemental Proposed Rulemaking: 6 A.A.R. 4315, November 17, 2000

**2. Sections Affected**

Article 1, Table 1.

**Rulemaking Action**

Amend

**3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 3-107(A)(1)

Implementing statutes: A.R.S. §§ 3-107, 41-1074, 41-1075, and 41-1076

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Sherry Blatner  
Rules Specialist

Address: Arizona Department of Agriculture  
1688 West Adams, Room 235  
Phoenix, Arizona 85007

Telephone: (602) 542-0962

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**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The rulemaking amends several incorrect citations, adds licensing time-frames for seed dealers and seed labelers, and extends the overall time-frame for hay brokers. Also, the rulemaking amends the numbering scheme for Sections that were renumbered when the Department last promulgated the Native Plant rules in July 1999.

**6. An explanation of the substantial change which resulted in this supplemental notice:**

The rulemaking increases the time-frame for a phytosanitary field inspection from 120 days to 210 days allowing for enough inspection time of necessary crop stages. Also, the rulemaking increases the time-frame for a hay broker license from a proposed 7 days to 14 days allowing sufficient time to complete the administrative process. Both of these increases, allow the Department sufficient time to review submitted licenses. The rulemaking corrects errors in the existing time-frame table regarding citrus fruit surface pests and educational permits.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

It is not anticipated that the adoption of this rule will have any impact on private industry, small business, or consumers.

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*A. The Arizona Department of Agriculture.*

The Seed Dealer and Seed Labeler licensing time-frame (A.R.S. § 3-235) was set as a default 7 days. However, all of these licenses are due during the same period of time and the workload for these licenses has greatly increased. Therefore, a longer time-frame is needed to ensure that all requests are processed in a timely manner. The Department anticipates that with the promulgation of this rule package no further refunds or penalties will be incurred for non-compliance with the overall time-frame. The increase in the phytosanitary field inspection time-frame should not have an economic impact for the Department, but will allow sufficient time to inspect the necessary crop stages that require the inspection.

*B. Political Subdivision.*

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

*C. Businesses Directly Affected By the Rulemaking.*

Any businesses applying for a license will follow current procedures and no additional costs will occur. The increase in the phytosanitary field inspection time-frame will benefit businesses affected by this regulation because sufficient time to grow the applicable stages of crops will be allowed within the increased time-frame. The proposed language provides an intangible benefit for businesses by identifying the time-frames in which the Division will approve or deny licenses.

*D. Private and public employment.*

Private and public employment is not directly affected by the implementation and enforcement of this rulemaking.

*E. Consumers and the Public.*

Consumers and the public are not directly affected by the implementation and enforcement of this rulemaking.

*F. State Revenues.*

This rulemaking will have no impact on state revenues.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

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Rules Specialist

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Phoenix, Arizona 85007

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**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department of Agriculture will schedule a public hearing if a written request for a public hearing is made to the person in item 4.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules changes follows:**

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**CHAPTER 4. DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION**

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**ARTICLE 1. GENERAL PROVISIONS**

Section

Table 1. Time-frames (Calendar Days)

**ARTICLE 1. GENERAL PROVISIONS**

**Table 1. Time-frames**

(Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
<b>QUARANTINE</b>						
Cotton Boll Weevil Pest	A.R.S. 3-201.01 R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	A.R.S. 3-201.01 R3-4-219	14	14	60	30	<del>44</del> <u>74</u>
Citrus Nursery Stock Pests	A.R.S. 3-201.01 R3-4-220	14	14	30	30	44
Lettuce Mosaic Pest	A.R.S. 3-201.01 R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	A.R.S. 3-201.01 R3-4-244 R3-4-245	14	14	30	30	44
Scale Insects Pests	A.R.S. 3-201.01 R3-4-226	14	14	30	30	44
Plum Curculio Apple Maggot	A.R.S. 3-201.01 R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. 3-205.02 R3-4-501	14	0	0	0	14
<b>NURSERY</b>						
Ozonium Root Rot Inspection • Method of Growing • Indicator Crop Planted On Applicant's Property • Indicator Crop Planted In Surrounding Area	A.R.S. 3-201.01 A.R.S. 3-217 R3-4-303	7 7 7	14 14 14	30 4 yrs 5 yrs	14 14 14	37 4yrs, 7 days 5yrs, 7 days
Other Certification Inspections • Nursery Inspection	A.R.S. 3-201.01 A.R.S. 3-217	30	14	1 yr	14	1 yr, 30 days
Phytopathology Field Inspection • Phytopathology Application	<del>A.R.S. 3-201.01</del> <del>A.R.S. 3-217</del> A.R.S. 3-233(A)(7) R3-4-407	30	7	<del>120</del> <u>210</u>	7	<del>150</del> <u>240</u>

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<b>STANDARDIZATION</b>						
Experimental Containers	A.R.S. 3-487 R3-4-740	7	0	2	0	9
Experimental Containers	A.R.S. 3-445 R3-4-814	7	0	2	0	9
Citrus Fruit Dealer, Packer or Shipper License	A.R.S. 3-449	10	14	10	14	20
Fruit and Vegetable Dealer, Packer or Shipper License	A.R.S. 3-492	10	14	10	14	20
<b>ARIZONA NATIVE PLANTS</b>						
Notice of Intent Confirmation Notice of Intent	A.R.S. 3-904 R3-4-602	7	14	7	14	14
• Qualifications for Salvage Assessed Native Plant Permits	A.R.S. 3-906 <del>R3-4-611</del> <del>R3-4-610</del> R3-4-608 <u>R3-4-605</u>	5 5 14	14 14 14	5 5 14	14 14 14	10 10 28
• <del>Salvage Harvest</del> Restricted Native Plant Permits						
• Scientific & Educational Permits						
<del>Blue Seal Permits</del> <u>Movement Permits</u>	A.R.S. 3-906 <del>R3-4-610</del> R3-4-607	5	14	5	14	10
Qualifications for Annual Permits For Harvest-Restricted Native Plants	A.R.S. 3-907 <del>R3-4-612</del> <u>R3-4-608</u>	5	14	5	14	10
<b><u>SEED DEALERS AND LABELERS</u></b>						
<u>Seed Dealer</u>	<u>A.R.S. 3-235</u> <u>R3-4-408</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>28</u>
<u>Seed Labeler</u>	<u>A.R.S. 3-235</u> <u>R3-4-408</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>28</u>
<b>HAY BROKER</b>						
Hay Broker License	A.R.S. 3-2712	<del>5</del> <u>14</u>	<del>5</del> <u>7</u>	<del>5</del> <u>14</u>	<del>5</del> <u>7</u>	<del>10</del> <u>28</u>